



12424
WILSHIRE
BOULEVARD

SUITE
1200

LOS ANGELES
CALIFORNIA
90025

TELEPHONE
310.826.7474

FACSIMILE
310.826.6991

September 15, 2023

Via ECF

Hon. Paul G. Gardephe
United States District Court
for the Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: ***Network-1 Technologies, Inc. v. Google, Inc., et al.*, Case No. 1:14-cv-02396-PGG; *Network-1 Technologies, Inc. v. Google, Inc.*, Case No. 1:14-cv-09558-PGG**

Dear Judge Gardephe:

We write on behalf of Plaintiff, Network-1 Technologies, Inc. (“Network-1”) in these two related actions further to our March 14, 2023 letter noting the pendency of the parties’ motions for summary judgment for more than twenty-seven months at that time (now more than thirty-three months). On April 13, 2023, the Court requested that the parties provide word document versions of the parties’ Rule 56.1 statements relating to the motions, which were provided on April 14, 2023.

Network-1 understands that the Court has recently assumed senior status. We further note that in the Civil Justice Reform Act reports relating to these matters, the Court has noted its heavy caseload as a factor in its delay in ruling on outstanding motions and advancing its cases to resolution. In light of these facts and the long-pending status of the numerous pending pre-trial matters, Network-1 respectfully requests that the Court either consider transferring these actions to another Judge, or to the extent that these matters will remain on the Court’s docket, Network-1 renews its request for a scheduling conference in this matter. The parties have discussed settlement but remain at an impasse without further input from the Court on the pending motions. As set forth in Network-1’s letter of March 14, 2023, the claims in this case are significant and the continued delay proceeding to trial is prejudicial to Network-1. Network-1 is a publicly-traded company and a number of its shareholders have directly raised with company management their concerns with the delay in resolution of these matters.



Hon. Paul G. Gardephe
September 15, 2023
Page 2

Network-1 would appreciate any guidance the Court can provide as to how to move these cases forward.

Sincerely,

Russ, August & Kabat

s/ Marc A. Fenster

Marc A. Fenster